

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Plaintiff,

Civil Action No. 7:08-CV-0368 (GHL)

vs.

\$15, 600.00 IN U.S. CURRENCY

Defendant.

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APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

OFFICE OF UNITED STATES  
ATTORNEY  
445 Broadway  
218 James T. Foley U.S. Courthouse  
Albany, New York 12207

THOMAS A. CAPEZZA, ESQ.  
Assistant United States Attorney

FOR DEFENDANT:

LAW OFFICE OF H. DANA VANHEE      H. DANA VANHEE, ESQ.  
333 East Onondaga Street  
Syracuse, New York 13202

GEORGE H. LOWE  
U.S. MAGISTRATE JUDGE

JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT

The parties have entered into an agreement in settlement of all

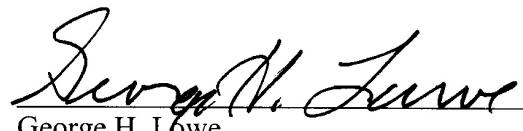
claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: April 20, 2009  
Syracuse, New York

  
George H. Lowe  
United States Magistrate Judge